IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 29622 of 2007(B)

PETITIONER:

M/S ANIKON RUBBERS,
REPRESENTED BY ITS PROPRIETOR,
ANIL V.KONDODY, THOTTAKKAD P.O.,
KOTTAYAM - 686539.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM

RESPONDENTS:

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1. **THE APPELLATE ASST. COMMISSIONER,**
   COMMERCIAL TAXES, KOTTAYAM.

2. **ADDITIONAL SALES TAX OFFICER-I,**
   IST CIRCLE, CHANGANACHERRY.

3. **THE DEPUTY TAHSILDAR(R.R),**
   CHENGANACHERRY.

BY GOVERNMENT PLEADER SRI.K.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

WP(C) No. 29622 of 2007

Dated, this the 8th day of October, 2007

J U D G M E N T

Ext.P1 is the order of assessment passed against the petitioner for the assessment year 2000-01. Against Ext.P1, petitioner has filed Ext.P2 appeal before the appellate authority. During the pendency of the appeal, revenue recovery proceedings have been initiated and Ext.P5 is the notice issued in this behalf. Seeking to quash Ext.P5 and for a direction to the appellate authority to dispose of Ext.P2 appeal, this writ petition has been filed. However, the records do not show that the petitioner has moved any stay petition before the appellate authority.

2. In these circumstances, I dispose of this writ petition directing that within one week from today the petitioner shall move an application for stay before the appellate authority and if such an application is filed, the same will be considered and orders thereon will be passed by the appellate authority within a period of two weeks thereafter. If the petitioner files a stay petition as above, until orders are passed thereon, further recovery proceedings pursuant to Ext.P5 will be kept in abeyance.

(ANTONY DOMINIC, JUDGE)

jg